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FM AMEMBASSY DHAKA

TO SECSTATE WASHDC IMMEDIATE 9323

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DEPT FOR INL/AAE (VIVITA ROSENBERGS),  
DOJ FOR OPDAT BARBARA BERMAN

E.O. 12958: N/A

TAGS: [ASEC](#) [BG](#) [KCRM](#) [PGOV](#) [PREL](#) [SNAR](#) [SOCI](#)

SUBJECT: FY2009 PROJECT PROPOSAL FOR INL LAW ENFORCEMENT  
DEVELOPMENT PROJECT - DHAKA

REF: SECSTATE 054065

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Summary  
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Post believes INL funds for law enforcement can most effectively focus on a program providing highly skilled legislative and technical support in the areas of prosecutorial and judicial reform. Embassy Dhaka requests INL concurrence for the use of \$200,000 for the project as outlined in this cable.

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1A. Title/Estimated Cost/Priority  
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Title: Resident Legal Advisor (RLA) Program - Law Enforcement Restructuring, Reform, and Operations

Estimated Cost: \$200,000

Priority: Priority one out of one projects

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1B. Background to the Request  
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This activity is an outgrowth of past US activities and experience with the failings within the Bangladeshi law enforcement and judicial sectors. The US Department of Justice (DOJ),s Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) placed its first RLA in South Asia (at Embassy Dhaka, covering Bangladesh) in March 2005. The current RLA arrived in Dhaka in September 2008. The RLA presently implements and supports primarily NADR-funded programs aimed at strengthening the Government of Bangladesh,s anti-money laundering/terrorist financing regime and improving the capability of Bangladeshi law enforcement to investigate and prosecute complex financial crimes.

In addition, past INL funding in Bangladesh helped the government strengthen the capacity of law enforcement and of rule of law institutions to interrupt national and transnational human trafficking networks. The RLA in Bangladesh and USAID used INL funding to provide training and technical assistance for law enforcement. Assistance was also used to improve the legal framework for addressing human trafficking.

As part of an INL-funded program, an intermittent legal advisor (ILA) was assigned to the US Embassy Dhaka between March and June 2009. The ILA worked with Bangladeshi law enforcement authorities to establish best practices for mutual legal assistance requests (MLARs) to the US and other countries.

This program request flows from the above activities and seeks to address broader problems and issues with Bangladeshi law enforcement and judiciary highlighted during the RLA,s prior activities. In FY2009, as Bangladesh returns to democracy after two years of a caretaker government, U.S. government assistance can help support judicial reform and effective civilian law enforcement. Bangladesh faces significant threats from the domestic and international criminals who take advantage of porous borders to conduct illicit activities, such as trafficking in persons, narcotics, arms, and terrorism. There is a strong need to support law enforcement and judicial reform through training and operational support as well as legislative efforts. Bangladeshi communities and individuals must be encouraged to work with law enforcement to reassert control over ungoverned spaces.

The RLA program can clearly be integrated into the vision detailed in the Mission Strategic Plan (MSP) for the US Mission to Bangladesh for FY2009. The MSP noted that &Bangladesh suffers from increasingly weak governance and deteriorating law and order, exacerbated by rampant corruption.<sup>8</sup> The MSP adds, &In recent years, Bangladesh has also struggled with a sharp rise in violent extremism.<sup>8</sup> In considering these conditions, the MSP concludes that &the overriding USG priority in Bangladesh is the promotion of Peace and Security ) primarily by countering terrorism and violent extremism and strengthening just and democratic governance.<sup>8</sup> The MSP later advises that &the second priority area for USG assistance to Bangladesh is Democracy and Governance. Under this priority, the U.S. Mission to Bangladesh will

work to(strengthen public institutions, promote greater transparency(increase service delivery, promote greater respect for human rights, and continue to combat human trafficking.<sup>8</sup>

The RLA program allows for benefits to specific areas of law enforcement and the judiciary noted above (terrorism, financial crimes, human trafficking, etc) but also to a broader spectrum of legal development work. Bangladesh,s ability to prosecute and adjudicate a variety of cases - including terrorism, trafficking, financial crimes, and corruption - are hindered by the multitude of problems in the procuracy and the judiciary. The RLA program will also support a &whole of government approach<sup>8</sup> by complementing other activities at the Embassy such as anti-human trafficking programs carried out by USAID and counter-terrorism initiatives overseen by members of the Post,s Counter-Terrorism Working Group.

The proposed program will help build the fundamental capacity of Bangladesh,s prosecutorial and judicial systems.

In the immediate future, the U.S. government plans to initiate a large community policing program funded by the Department of Defense (DOD) through 1207 funds. The United Kingdom, Australia, and UNDP are among the international partners who have focused efforts on police reform in Bangladesh. International efforts have been considerably less in the areas covered by the proposed RLA program, in particular prosecutorial reform. International players have initiated limited projects aimed at the judiciary but close observers would acknowledge that much work remains to be done in the sphere of judicial reform.

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1C. Goal  
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Through the proposed program, the RLA will seek to develop an effective criminal justice system, which is required to address transnational threats and to support a democratic government that respects human rights. The RLA program also aims to train and develop a career prosecutor corps

and depoliticize the appointment of prosecutors and judges. The RLA program will complement other US government assistance projects to develop the capacity of law enforcement agencies and the criminal and judicial system. As detailed above, the program supports MSP goals.

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**D. Project Description**

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FY 2009 will be the first year of an INL law enforcement development project in Bangladesh. The RLA program in Bangladesh will be funded by the Department of State (DOS) and implemented by the RLA from the DOJ,s OPDAT. Initially, INL funds will support the formal assessment of the current performance of the Bangladeshi prosecutorial and judicial service. In FY2009 and in subsequent years, such funds will result in training, technical assistance and equipment to develop and sustain the capacity of law enforcement agencies and the judiciary to combat criminal threats. This project will complement the larger community policing program funded by DOD through the 1207 mechanism as well as the ongoing police training efforts of USAID (Anti-Combating Trafficking (ACT) program) and the Regional Security Office (ATA programs).

The FY2009 INL program will increase the support to develop Bangladesh,s criminal justice system. Through the provision of appropriate legal experts, including but not limited to the RLA, the RLA Office will develop training programs, symposia and conferences on the role of legislative reform in supporting the rule of law and other issues related to judicial reform. A possible topic for the first training and legislative initiative could be establishing and developing a career prosecutorial service. The FY2009 funds will play the important role of laying the ground work for an expanded INL development project in subsequent years.

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**E. Performance Indicators**

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-- Performance measures for RLA efforts:

(1) Training provided to members of the prosecutorial and

judicial services strengthens their capacity and focus on the fundamentals of investigating, prosecuting and/or adjudicating major criminal cases.

(2) Bangladeshi experts and legislators, working with DOJ and RLA input, develop concrete recommendations for improvements in substantive and procedural laws and regulations governing the conduct of major crime prosecutions and adjudication.

(3) Legislation aimed at establishing viable, professional, and independent prosecutorial and judicial services is adopted.

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**F. Sustainability**

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Since the establishment of the RLA Office in 2005, the RLA in country has maintained a positive working relationship with three separate governments (BNP, caretaker, and Awami League (AL)). In the first months of the newly-elected AL government, the RLA has engaged in numerous discussions with the Law Minister, the Attorney General, and other law enforcement counterparts regarding areas of possible reform. In particular, the Law Minister has highlighted the need for judicial reform and evidenced support for prosecutorial reform. The resources and training programs furnished by the RLA in support of the instant initiative will help consolidate efforts in Bangladesh as well as enhance long-term capabilities and practices.

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1G.      Timeline

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Timeline for this proposal is one year, with continuation for some projects expected in FY2010 and beyond.

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1H.      Evaluation

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The RLA will continually evaluate goals and performance indicators and will make program adjustments, in consultation with INL, as appropriate. The RLA will report to INL on an ongoing basis. The RLA will work with the Embassy,s Political and Economic Section to monitor the legal situation in-country. He will also consult the perception surveys developed by PACOM and USAID.  
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